



Case No. GNE.3230R1C27

Date: August 1, 2005

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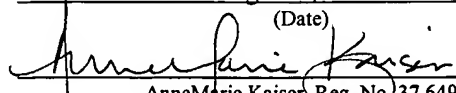
NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of : Goddard, et al.
App. No. : 10/063,540
For : ANTIBODIES TO A
POLYPEPTIDE ENCODED BY A
NUCLEIC ACID
UNDEREXPRESSED IN
ESOPHAGEAL TUMOR AND
MELANOMA
Filed : May 2, 2002
Examiner : Jegatheesan Seharaseyon
Group Art Unit : 1647

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Board of Patent Appeals and Interferences, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 1, 2005

(Date)


AnneMarie Kaiser, Reg. No. 37,649

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated March 30, 2005 of the Primary Examiner finally rejecting Claims 1-5. The item(s) marked below are appropriate:

(X) An extension of time to respond to the final rejection for one month(s) is hereby requested.

Filing Fee:

(X) \$500 (large entity)

Time Extension Fee (if applicable):

(X) one month (\$120 large entity)

(X) Enclosed is a check in the amount of \$620.

(X) An Information Disclosure Statement and PTO/SB/08 equivalent listing references for consideration:

(X) Listing 7 references.

(X) Enclosing 7 references.

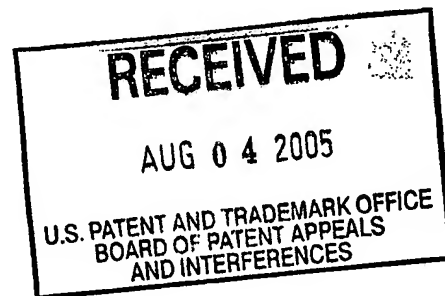
(X) Return prepaid postcard.

(X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

08/08/2005 SSESHE1 00000004 10063540

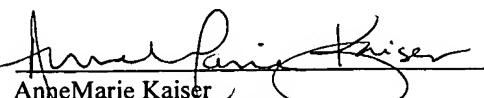
01 FC:1401
02 FC:1251

500.00 OP
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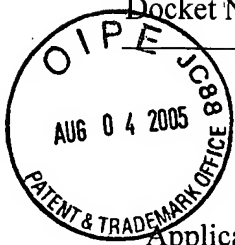


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Signature:


AnneMarie Kaiser
Registration No. 37,649
Customer No. 30,313
(619) 235-8550

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INFORMATION DISCLOSURE STATEMENT

Applicant : Goddard, et al.
App. No : 10/063,540
Filed : May 2, 2002
For : ANTIBODIES TO A POLYPEPTIDE
ENCODED BY A NUCLEIC ACID
UNDEREXPRESSED IN
ESOPHAGEAL TUMOR AND
MELANOMA
Examiner : Jegatheesan Seharaseyon
Art Unit : 1647

CERTIFICATE OF MAILING

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August 1, 2005

(Date)

AnneMarie Kaiser, Reg. No. 37,649

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Alexandria, VA 22313-1450

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Dear Sir:

Enclosed for filing in the above-identified application is a PTO/SB/08 Equivalent listing 7 references to be considered by the Examiner. Also enclosed are 7 foreign patent references and/or non-patent literature as listed on the Information Disclosure Statement.

Please place these references in the file of the above-identified patent application in accordance with 37 C.F.R. § 1.97(i).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

August 1, 2005

By:

AnneMarie Kaiser
Registration No. 37,649
Attorney of Record
Customer No. 30,313
(619) 235-8550

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application No.	10/063,540
Filing Date	May 2, 2002
First Named Inventor	Goddard, et al.
Art Unit	1647
Examiner	Jegatheesan Seharaseyon
Attorney Docket No.	GNE.3230R1C27

AUG 04 2005 (Multiple sheets used when necessary)

SHEET 1 OF 1

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
	1	WO 97/38085	10-16-1997	California Pacific Medical Center		

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BOARD OF PATENT APPEALS
AND INTERFERENCES

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	2	FESSLER, et al. 2002. A genomic and proteomic analysis of activation of the human neutrophil by lipopolysaccharide and its mediation by p38 mitogen-activated protein kinase. <i>The Journal of Biological Chemistry</i> , 277(35):31291-31302.	
	3	HANASH, S. 2003. Making sense of microarray data to classify cancer. <i>The Pharmacogenomics Journal</i> , 3:308-311.	
	4	HANASH, S. March 2005. Integrated global profiling of cancer. <i>Nature Reviews, Applied Proteomics Collection</i> , pp. 9-14.	
	5	HANCOCK, W. S. 2004. Do we have enough biomarkers? <i>Journal of Proteome Research</i> , 3(4):685.	
	6	TOKUNAGA, et al. 2000. Application of quantitative RT-PCR using "TaqMan" technology to evaluate the expression of CK 18 mRNA in various cell lines. <i>J. Exp. Clin. Cancer Res.</i> , 19(3):375-381.	
	7	WANG, et al. 1996. mRNA Differential display: Application in the discovery of novel pharmacological targets. <i>Trends Pharmacol. Sci.</i> , 17(8):276-279.	

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080105

Examiner Signature

Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T¹ - Place a check mark in this area when an English language Translation is attached.